



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William BOLOGNA et al.

Confirmation No.: 1022

Application No.: 10/089,796

Group Art Unit: 1616

Filing Date: July 24, 2002

Examiner: K. George

For: TREATING ENDOMETRIOSIS OR  
INFERTILITY OR IMPROVING FERTILITY

Attorney Docket No.: 801505-2199

**REQUEST FOR CORRECTION OF FILING RECEIPT**

**RECEIVED**

**Office of Initial Patent Examination**  
**Filing Receipt Corrections**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUG 2 0 2003

TECH CENTER 1600/2900

Sir:

A Filing Receipt for the above-identified application has been received and the following corrections are respectfully requested.

Please change the Attorney Docket No. from "117 389" to --801505-2199--.

Please correct the "**Domestic Priority data as claimed by applicant**" as follows:

--This application is a 371 of PCT/EP00/09708 filed 10/04/2000  
which claims priority to 09/668,384 filed 09/25/2000  
and which claims the benefit of 60/157,754 filed 10/05/1999--.

Support for this correction can be found on Applicants' Declaration filed with the original application papers on July 24, 2002, and on the face of the published PCT application no. WO 01/24788 A2, copies of which are attached hereto.

In the title, after "infertility", insert --,--. The title should then read  
--TREATING ENDOMETRIOSIS OR INFERTILITY, OR IMPROVING FERTILITY--.

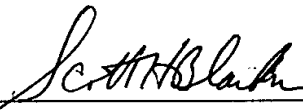
Support for this correction can be found on page 1 of the specification.

A marked-up copy of the Filing Receipt is attached. Please issue a corrected Filing Receipt in due course.

No fee is believed to be due for this response. Should any fees be required, however, please charge such fees to Winston & Strawn LLP Deposit Account No. 501-814.

Respectfully submitted,

1 August 2003  
Date

  
\_\_\_\_\_  
For: Scott H. Blackman (Reg. No. 34,088)  
Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN**  
Customer No. 28765

202-371-5795



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/089,796	07/24/2002	1616	1626	<del>447 380</del>		35	7

801505-2199 CONFIRMATION NO. 1022

28765  
WINSTON & STRAWN  
PATENT DEPARTMENT  
1400 L STREET, N.W.  
WASHINGTON, DC 20005-3502

# FILING RECEIPT



\*OC000000008946895\*

Date Mailed: 10/15/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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Dominique De Ziegler, Paris, FRANCE;  
Howard L. Levine, Oceanside, NY;

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AUG 20 2003

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP00/09708 10/04/2000  
and which claims benefit of 60/157,754 10/05/1999

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## Foreign Applications

which claims priority to 09/668,384 09/25/2000

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

## Title

Treating endometriosis or infertility, or improving fertility

## Preliminary Class

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
12 April 2001 (12.04.2001)

PCT

(10) International Publication Number  
**WO 01/24788 A2**

- (51) International Patent Classification<sup>7</sup>: A61K 31/137, 47/32, A61P 15/02, 15/08
- (21) International Application Number: PCT/EP00/09708
- (22) International Filing Date: 4 October 2000 (04.10.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:  
60/157,754 5 October 1999 (05.10.1999) US  
09/668,384 25 September 2000 (25.09.2000) US
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- (81) Designated States (national): AE, AG, AL, AM, AT, AU,  
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ,  
DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR,  
HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR,  
LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ,  
NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM,  
TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM,  
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian  
patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European  
patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE,  
IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG,  
CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:  
— Without international search report and to be republished  
upon receipt of that report.
- For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

WO 01/24788 A2

(54) Title: TREATING ENDOMETRIOSIS OR INFERTILITY, OR IMPROVING FERTILITY

(57) Abstract: The present invention concerns compositions and methods for using a  $\beta$ -adrenergic agonist for treating endometrio-  
sis, for treating infertility, and for improving fertility. The present invention further concerns formulating such a composition or  
method in such a way as to provide therapeutically sufficient levels of the  $\beta$ -adrenergic agonist locally while avoiding adverse sys-  
tematic concentrations in the host, thereby minimizing or avoiding adverse side effects.

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a sole inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## TREATING ENDOMETRIOSIS OR INFERTILITY, OR IMPROVING FERTILITY

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)  
☐ was filed in the United States on \_\_\_\_\_ as Application No. \_\_\_\_\_ (declaration not accompanying application) with amendment(s) filed on \_\_\_\_\_ (if applicable)  
☒ was filed as PCT international Application No. PCT/EP00/09708 on 4 October 2000

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
PCT/EP00/09708		4 October 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

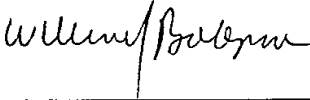
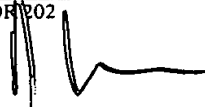
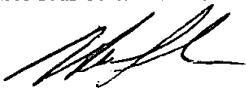
PROVISIONAL APPLICATION NUMBER	FILING DATE
60/157,754	5 October 1999

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/668,384	25 September 2000		X	

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
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4	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF INVENTOR 204			DATE
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
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5	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE